



April 4, 2003

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## ENGROSSED HOUSE BILL No. 1010

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DIGEST OF HB 1010 (Updated April 2, 2003 5:52 PM - DI 87)

**Citations Affected:** IC 8-10; IC 36-7; noncode.

**Synopsis:** Transportation and planning commissions. Expands the types of studies that may be funded from the Indiana port fund to include studies of transportation by water, intermodal transportation, and other modes of transportation. Repeals and replaces the law governing the Northwestern Indiana Regional Planning Commission (NIRPC) as a coordinating agency in Lake, Porter, and LaPorte counties. Establishes the purpose, powers, and duties of NIRPC. Establishes the funding and budgeting mechanisms for the commission. Authorizes the an alternative weighted voting system for NIRPC.

**Effective:** July 1, 2003.

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(SENATE SPONSORS — ROGERS, LANDSKE, BOWSER)

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January 15, 2003, read first time and referred to Committee on Interstate and International Cooperation.

February 26, 2003, amended, reported — Do Pass.

March 3, 2003, read second time, ordered engrossed. Engrossed.

March 4, 2003, read third time, passed. Yeas 96, nays 1.

#### SENATE ACTION

March 10, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

April 3, 2003, amended, reported favorably — Do Pass.

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EH 1010—LS 7852/DI 44+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1010

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-10-1-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A special and  
3 distinct revolving fund is hereby created, to be known as the Indiana  
4 port fund. Expenditures from said fund shall be made only for the  
5 acquisition of **the following**:

6 (1) Land including lands under water and riparian rights, or  
7 options for the purchase of such land for a port site, and incidental  
8 expenses incurred in connection with such acquisition. ~~and for~~

9 (2) Studies in connection with the port project.

10 (3) **Studies in connection with transportation by water,**  
11 **intermodal transportation, and other modes of**  
12 **transportation. and**

13 (4) ~~including~~ Administrative expenses of the commission.

14 Said fund shall be held in the name of the Indiana port commission,  
15 shall be administered by the commission, and all expenditures  
16 therefrom shall be made by the commission, subject, however, to the  
17 approval by governor and the state budget committee of all

EH 1010—LS 7852/DI 44+



1 expenditures of moneys advanced to said fund by the state of Indiana.  
 2 Requests for such approval shall be made in such form as shall be  
 3 prescribed by the budget committee, but expenditures for acquisition  
 4 of land including lands under water and riparian rights, or options for  
 5 the purchase of such land, shall be specifically requested and approved  
 6 as to the land to be acquired and the amount to be expended. No  
 7 transfers from said fund to any other fund of the state shall be made  
 8 except pursuant to legislative action. All unexpended funds  
 9 appropriated to the Indiana board of public harbors and terminals by  
 10 Acts 1957, c.286, s.6, are hereby transferred to and made a part of the  
 11 Indiana port fund created by this section, and shall be expended for the  
 12 purpose and in the manner provided by this chapter, subject only to the  
 13 restrictions contained in this chapter and no others; provided, however,  
 14 that not to exceed one hundred thousand dollars (\$100,000) shall be  
 15 expended for any purpose other than the acquisition of land, including  
 16 lands under water and riparian rights, or options for the purchase of  
 17 such land for a port site, and incidental expenses incurred in connection  
 18 with such acquisition.

19 (b) Upon the sale of port revenue bonds for any port project, the  
 20 funds expended from the Indiana port fund in connection with the  
 21 development of such project and any obligation or expense incurred by  
 22 the commission for surveys, preparation of plans and specifications,  
 23 and other engineering or other services in connection with development  
 24 of such project shall be reimbursed to the state general fund from the  
 25 proceeds of such bonds.

26 SECTION 2. IC 36-7-7-4 IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The following members of the  
 28 commission shall be appointed from each county in the region:

29 (1) A representative of the county executive who may be either a  
 30 member of the executive or a person appointed by it.

31 (2) A representative of the county fiscal body who must be a  
 32 member of the fiscal body.

33 (b) The following members of the commission shall be appointed  
 34 from each county in the region having a population of more than fifty  
 35 thousand (50,000):

36 (1) The county surveyor or a person appointed by ~~him~~ **the**  
 37 **surveyor.**

38 (2) Two (2) persons appointed by the executive of each  
 39 municipality having a population of more than fifty thousand  
 40 (50,000).

41 (3) ~~Except for a commission in which a county having a~~  
 42 ~~population of more than four hundred thousand (400,000) but less~~



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than seven hundred thousand (700,000) participates; One (1) person appointed by the executive of each of the seven (7) largest municipalities having a population of less than fifty thousand (50,000). If there are fewer than seven (7) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subdivision to seven (7).

(4) For a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates; the membership is as follows:

(A) For a county having a population of not more than four hundred thousand (400,000); one (1) person appointed by the executive of each of the eight (8) largest municipalities having a population of less than fifty thousand (50,000):

(B) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); one (1) person appointed by the executive of each city having a population of less than fifty thousand (50,000) and one (1) person appointed by the executive of each of the five (5) towns with the largest population:

(c) The following members of the commission shall be appointed from each county in the region having a population of less than fifty thousand (50,000):

(1) One (1) person appointed by the executive of each of the five (5) largest municipalities or of each municipality if there are fewer than five (5).

(2) If there are fewer than five (5) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subsection to five (5).

(d) One (1) voting member of the commission shall be appointed by the governor.

(e) At least two-thirds (2/3) of the commission members must be elected officials. All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

A member of the commission may also serve as a member of a plan commission in the region.

(f) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

(g) The respective appointing authorities shall certify their

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1 appointments, and the certification shall be retained as a part of the  
2 records of the commission.

3 ~~(h) This subsection applies to a commission that does not include~~  
4 ~~members from a county having a population of more than four hundred~~  
5 ~~thousand (400,000) but less than seven hundred thousand (700,000).~~  
6 If a vacancy occurs by resignation or otherwise, the respective  
7 appointing authority shall appoint a member for the unexpired term.  
8 Members shall be certified annually, and their terms expire on  
9 December 31 of each year.

10 SECTION 3. IC 36-7-7-12 IS AMENDED TO READ AS  
11 FOLLOWS[EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The commission  
12 shall prepare and adopt an annual appropriation budget for its  
13 operation, which shall be apportioned to each participating county on  
14 a pro rata per capita basis. After adoption, any amount that does not  
15 exceed an amount for each participating county equal to

16 ~~(1) seventy cents (\$0.70) per capita for each participating county~~  
17 ~~in a commission in which a county having a population of more~~  
18 ~~than four hundred thousand (400,000) but less than seven~~  
19 ~~hundred thousand (700,000) participates; and~~

20 ~~(2) thirty cents (\$0.30) per capita for all other commissions;~~

21 shall be certified to the respective county auditor who shall advertise  
22 the amount and establish the rate in the same manner as other county  
23 budgets. Any amount of the adopted budget that exceeds an amount  
24 equal to ~~seventy cents (\$0.70) per capita for each participating county~~  
25 ~~in a commission in which a county having a population of more than~~  
26 ~~four hundred thousand (400,000) but less than seven hundred thousand~~  
27 ~~(700,000) participates and thirty cents (\$0.30) per capita for each~~  
28 ~~participating county for all other commissions~~ is subject to review by  
29 the county fiscal body in the usual manner of budget review. The tax  
30 so levied and certified shall be estimated and entered upon the tax  
31 duplicates by the county auditor and shall be collected and enforced by  
32 the county treasurer in the same manner as other county taxes are  
33 estimated, entered, collected, and enforced. The tax, as collected by the  
34 county treasurer, shall be transferred to the commission.

35 (b) In fixing and determining the amount of the necessary levy for  
36 the purpose provided in this section, the commission shall take into  
37 consideration the amount of revenue, if any, to be derived from the  
38 federal grants, contractual services, and miscellaneous revenues above  
39 the amount of those revenues considered necessary to be applied upon  
40 or reserved upon the operation, maintenance, and administrative  
41 expenses for working capital throughout the year.

42 (c) After approval no sums may be expended except as budgeted



1 unless the commission authorizes their expenditure. Before the  
 2 expenditure of sums appropriated as provided in this section, a claim  
 3 must be filed and processed as other claims for allowance or  
 4 disallowance, for payment as provided by law.

5 (d) Any two (2) of the following officers may allow claims:

- 6 (1) Chairman.
- 7 (2) Vice chairman.
- 8 (3) Secretary.
- 9 (4) Treasurer.

10 The treasurer of the commission may receive, disburse, and otherwise  
 11 handle funds of the commission subject to applicable statutes and  
 12 procedures established by the commission.

13 (e) The commission shall act as a board of finance under the statutes  
 14 relating to the deposit of public funds by political subdivisions.

15 (f) Any appropriated money remaining unexpended or  
 16 unencumbered at the end of the year becomes part of a nonreverting  
 17 cumulative fund to be held in the name of the commission. Unbudgeted  
 18 expenditures from this fund may be authorized by vote of the  
 19 commission and upon other approval as required by statute. The  
 20 commission is responsible for the safekeeping and deposit of such  
 21 sums, and the state board of accounts shall prescribe the methods and  
 22 forms for keeping the accounts, records, and books to be used by the  
 23 commission. The books, records, and accounts of the commission shall  
 24 be periodically audited by the state board of accounts, and these audits  
 25 shall be paid for as provided by statute.

26 SECTION 4. IC 36-7-7.6 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2003]:

29 **Chapter 7.6. Northwestern Indiana Regional Planning**  
 30 **Commission**

31 **Sec. 1. This chapter applies to the area consisting of the**  
 32 **following counties:**

- 33 (1) A county having a population of more than four hundred  
 34 thousand (400,000) but less than seven hundred thousand  
 35 (700,000).
- 36 (2) A county having a population of more than one hundred  
 37 forty-five thousand (145,000) but less than one hundred  
 38 forty-eight thousand (148,000).
- 39 (3) A county having a population of more than one hundred  
 40 ten thousand (110,000) but less than one hundred fifteen  
 41 thousand (115,000).

42 **Sec. 2. As used in this chapter, "commission" means the**



northwestern Indiana regional planning commission established by section 3 of this chapter.

**Sec. 3.** The northwestern Indiana regional planning commission is established for the area described in section 1 of this chapter.

**Sec. 4. (a)** The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

**Sec. 5. (a)** All commission members must be elected officials.

(b) All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

(c) A member of the commission may also serve as a member of a plan commission in the region.

(d) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

(e) The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

(f) Each member serves at the pleasure of the appointing authority. The appointing authority shall give written notice to the



commission of a change of an appointee and the effective date of that change.

(g) If a vacancy occurs by resignation or otherwise, the appointing authority shall promptly appoint a replacement member.

(h) If a member of the commission is absent for more than three (3) consecutive meetings of the full commission, the commission shall notify that member's appointing authority and request the appointing authority to do one (1) of the following:

(1) Replace the member.

(2) Take action to assure the member's conscientious attendance at meetings of the full commission.

Sec. 6. (a) At its first regular meeting in each year, the commission shall elect from its members a chairperson, vice chairperson, secretary, and treasurer.

(b) Not more than two (2) of the officers elected under subsection (a) may be from the same county. If the area served by the commission is divided into subregions under section 19 of this chapter, there must be at least one (1) officer from each subregion.

(c) The vice chairperson may act as chairperson during the absence or disability of the chairperson.

Sec. 7. (a) The commission shall fix the time and place for holding regular meetings, but it shall meet:

(1) at least quarterly; and

(2) at other times established by the commission or the executive board of the commission.

(b) The chairperson of the commission or five (5) members of the commission may call a special meeting of the commission upon written request to the secretary of the commission. The secretary shall send to all commission members at least forty-eight (48) hours in advance of a special meeting a written notice fixing the time and place of the special meeting. Written notice of a special meeting is not required if:

(1) the time of the special meeting has been fixed in a regular meeting; or

(2) all members are present at the special meeting.

(c) A commission member may waive notice of any meeting by filing a written waiver with the secretary of the commission.

Sec. 8. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The commission's record is a public record.



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1        **Sec. 9. (a) Twenty-six (26) commission members constitute a**  
 2        **quorum.**

3        **(b) An action of the commission is official only if both the**  
 4        **following apply:**

5            **(1) The action is authorized at a regular meeting or a properly**  
 6            **called special meeting in which at least one (1) member from**  
 7            **each county described in section 1 of this chapter is present.**

8            **(2) The action is authorized by:**

9                **(A) the affirmative votes of twenty-six (26) members of the**  
 10                **commission; or**

11                **(B) a weighted affirmative vote of more than fifty (50) if a**  
 12                **motion is made under subsection (c).**

13        **(c) Upon a motion by any one (1) member of the commission**  
 14        **that is properly seconded by another member at:**

15            **(1) a regular meeting; or**

16            **(2) a properly called special meeting;**

17        **the commission shall use the weighted voting process described in**  
 18        **subsection (d).**

19        **(d) Each commission member has a weighted vote determined**  
 20        **as follows:**

21            **(1) In the case of a member appointed by the executive of a**  
 22            **municipality, the member's weighted vote is determined in**  
 23            **STEP FIVE of the following formula:**

24                **STEP ONE: Determine the population of the municipality**  
 25                **as reported by the 2000 decennial census.**

26                **STEP TWO: Determine the sum population of the counties**  
 27                **described in section 1 of this chapter as reported by the**  
 28                **2000 decennial census.**

29                **STEP THREE: Divide the number determined in STEP**  
 30                **ONE by the number determined in STEP TWO.**

31                **STEP FOUR: Round the number determined in STEP**  
 32                **THREE to the nearest ten thousandth (0.0001).**

33                **STEP FIVE: Multiply the number determined in STEP**  
 34                **FOUR by one hundred (100).**

35            **(2) In the case of a member appointed by the executive of a**  
 36            **county, the member's weighted vote is determined in STEP**  
 37            **FIVE of the following formula:**

38                **STEP ONE: Determine the population of the area in the**  
 39                **county that is not within a municipality as reported by the**  
 40                **2000 decennial census.**

41                **STEP TWO: Determine the sum of the population of the**  
 42                **counties described in section 1 of this chapter as reported**

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by the 2000 decennial census.

**STEP THREE:** Divide the number determined in STEP ONE by the number determined in STEP TWO.

**STEP FOUR:** Round the number determined in STEP THREE to the nearest ten thousandth (0.0001).

**STEP FIVE:** Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

**STEP ONE:** Determine the population of the area in the county that is not within a municipality as reported by the 2000 decennial census.

**STEP TWO:** Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

**STEP THREE:** Divide the number determined in STEP ONE by the number determined in STEP TWO.

**STEP FOUR:** Round the number determined in STEP THREE to the nearest ten thousandth (0.0001).

**STEP FIVE:** Multiply the number determined in STEP FOUR by fifty (50).

**Sec. 10. (a)** The commission shall elect from among its members, by the affirmative votes of a majority of the members serving on the commission, an executive board that consists of the following:

(1) The four (4) officers of the commission.

(2) One (1) member of the commission from each county described in section 1 of this chapter.

(3) The member of the commission appointed by the governor.

(b) If a vacancy occurs in a position on the executive board referred to in subsection (a)(2), a successor shall be elected from among the members in the same manner as the member whose position has been vacated.

(c) The executive board shall conduct the business of the commission, except for:

(1) the adoption and amendment of bylaws, rules, and procedures for the operation of the commission;

(2) the election of officers and members of the executive board as provided in this chapter; and

(3) the adoption of the annual appropriation budget after review by the executive board.

(d) The executive board shall meet regularly at least one (1) time

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each month, unless otherwise determined by its members. The executive board shall notify the full membership of the commission of all its meetings with copies of its preliminary or final agendas and shall report all its actions and determinations to the full membership of the commission.

(e) A majority of members of the executive board constitutes a quorum. An action of the executive board is official only if it is authorized by an affirmative vote of a majority of the total number of members serving on the board at a regular or properly called special meeting. Any action of the executive board shall be reviewed at the next regular meeting of the commission following the executive board's action. Upon either:

- (1) a decision by the majority of the board; or
  - (2) written request of a member of the commission;
- an issue shall be brought to a vote of the full commission.

Sec. 11. (a) After review and recommendation by the executive board, the commission shall appoint an executive director, who serves at the pleasure of the commission. The executive director must be qualified by training and experience in the management of public agencies and must be knowledgeable in planning.

(b) The executive director is the chief administrative officer and regular technical adviser of the commission. Subject to supervision by the commission and in furtherance of the purposes of the commission, the executive director:

- (1) shall execute the commission functions;
- (2) shall appoint and remove the staff of the commission;
- (3) shall submit to the commission annually, or more often if required, a status report on the operation of the commission;
- (4) may, with the approval of the executive board, execute contracts, leases, or agreements with other persons on behalf of the commission;
- (5) shall be given access by all governmental agencies upon the executive director's written request, to all studies, reports, surveys, records, and other information and material in their possession that are required by the executive director for the accomplishment of the activities and objectives of the commission;
- (6) shall propose annually a budget for the operation of the commission and administer the budget as approved by the commission;
- (7) shall keep the records and care for and preserve all papers and documents of the commission; and



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(8) shall perform other duties and may exercise other powers that the commission or the executive board delegates to the executive director.

**Sec. 12. The purpose of the commission is to institute and maintain a comprehensive planning and programming process for:**

- (1) transportation;
- (2) economic development; and
- (3) environmental;

policy and provide a coordinative management process for the counties described in section 1 of this chapter. The commission shall coordinate its activities with all member units in the counties and shall coordinate and assist the planning programs of member units and the state that are related to its purpose.

**Sec. 13. The commission may do any of the following in support of a purpose listed under section 12 of this chapter:**

- (1) Transact business and enter into contracts.
- (2) Receive grants or appropriations from federal, state, or local governmental entities or from individuals or foundations and enter into agreements or contracts regarding the acceptance or use of those grants and appropriations to carry out any of the activities of the commission.
- (3) Apply for, receive, and disburse gifts, contributions, and grants of funds or in-kind services.
- (4) Acquire by grant, purchase, gift, devise, lease, or otherwise and hold, use, sell, improve, maintain, operate, own, manage, lease, or dispose of:
  - (A) real and personal property of every kind and nature; and
  - (B) any right and interest;
 as necessary for the exercise of, or convenient or useful for the carrying out of, the commission's purposes under this chapter.
- (5) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's purposes.
- (6) Employ and fix the reasonable compensation of any employees and agents the commission considers necessary.
- (7) Contract for special and temporary services and for professional assistance.
- (8) Hold, use, administer, and expend money that is appropriated or transferred to the commission.
- (9) Make contracts and leases for facilities and services.
- (10) Act as a coordinating agency for programs and activities



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of other public and private agencies that are related to the commission's objectives.

(11) Enter into agreements or partnerships to do the following:

(A) Assist in coordinating activities involving state and local government, business organizations, and nonprofit organizations.

(B) Assist in the development and implementation of programs by other regional agencies and entities.

(12) Enter into coordinative arrangements with:

(A) any unit of government in Indiana or an adjoining state;

(B) an overlapping multicounty or interstate planning or development agency;

(C) a state agency;

(D) a federal agency;

(E) a private entity; or

(F) a minority business enterprise as defined by IC 4-13-16.5;

that are appropriate to the achievement of the commission's objectives or to address a common issue.

(13) Provide any administrative, management, or technical services to a unit of local government that requests the services. The local unit and the commission may enter into a contract concerning the commission's provision of administrative, management, or technical services and the cost to the local unit for the services.

(14) Conduct all necessary studies for the accomplishment of the commission's purpose.

(15) Publicize the commission's purposes, objectives, and findings and distribute reports on those purposes, objectives, and findings.

(16) Provide recommendations to units of local government and to other public and private agencies.

Sec. 14. The commission may adopt by resolution any regional comprehensive or functional plan, program, or policy as the commission's official recommendation for the development of the region, subject to the power of a county to exempt itself under section 15 of this chapter. The commission shall provide an annual report of its activities to the legislative bodies of the counties and municipalities in the region.

Sec. 15. If the commission receives a petition that:



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(1) is signed by a majority of the commission members representing a county affected by a particular program; and  
 (2) objects to the establishment of the program within that county;

the commission may not implement the program in that county.

Sec. 16. (a) The commission must appoint advisory committees to assist in the achievement of its objectives. The membership of advisory committees shall not be limited to the members of the commission.

(b) At least one (1) advisory committee must be appointed with a membership that is representative of the private sector of the communities served by the commission and must include members representative of:

- (1) higher education institutions;
- (2) minority business enterprises;
- (3) labor and workforce organizations; and
- (4) manufacturing entities;

active in at least one (1) of the communities served by the commission.

(c) Members of advisory committees are not entitled to compensation for their services but may be reimbursed by the commission for expenses incurred in the performance of their duties.

Sec. 17. A county or municipality may periodically, upon the request of the commission, assign or detail to the commission any employees of the county or municipality to make special surveys or studies requested by the commission.

Sec. 18. (a) The commission shall prepare and adopt an annual appropriation budget for its operation. The appropriation budget shall be apportioned to each participating county on a pro rata per capita basis. After adoption of the appropriation budget, any amount that does not exceed an amount for each participating county equal to seventy cents (\$0.70) per capita for each participating county shall be certified to the respective county auditor. The county auditor shall advertise the amount and establish the rate in the same manner as for other county budgets.

(b) The tax levied under this section and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax collected by the county treasurer shall be transferred to the commission.



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1 (c) In fixing and determining the amount of the necessary levy  
 2 for the purpose provided in this section, the commission shall take  
 3 into consideration the amount of revenue, if any, to be derived  
 4 from federal grants, contractual services, and miscellaneous  
 5 revenues above the amount of those revenues considered necessary  
 6 to be applied upon or reserved upon the operation, maintenance,  
 7 and administrative expenses for working capital throughout the  
 8 year.

9 (d) After the budget is approved, amounts may not be expended  
 10 except as budgeted unless the commission authorizes their  
 11 expenditure. Before the expenditure of sums appropriated as  
 12 provided in this section, a claim must be filed and processed as  
 13 other claims for allowance or disallowance for payment as  
 14 provided by law.

15 (e) Any two (2) of the following officers may allow claims:

- 16 (1) Chairperson.
- 17 (2) Vice chairperson.
- 18 (3) Secretary.
- 19 (4) Treasurer.

20 (f) The treasurer of the commission may receive, disburse, and  
 21 otherwise handle funds of the commission, subject to applicable  
 22 statutes and to procedures established by the commission.

23 (g) The commission shall act as a board of finance under the  
 24 statutes relating to the deposit of public funds by political  
 25 subdivisions.

26 (h) Any appropriated money remaining unexpended or  
 27 unencumbered at the end of a year becomes part of a nonreverting  
 28 cumulative fund to be held in the name of the commission.  
 29 Unbudgeted expenditures from this fund may be authorized by  
 30 vote of the commission and upon other approval as required by  
 31 statute. The commission is responsible for the safekeeping and  
 32 deposit of the amounts in the nonreverting cumulative fund, and  
 33 the state board of accounts shall prescribe the methods and forms  
 34 for keeping the accounts, records, and books to be used by the  
 35 commission. The books, records, and accounts of the commission  
 36 shall be audited periodically by the state board of accounts, and  
 37 those audits shall be paid for as provided by statute.

38 Sec. 19. This chapter expires July 1, 2007.

39 SECTION 5. IC 36-7-7-4.1 IS REPEALED [EFFECTIVE JULY 1,  
 40 2003].

41 SECTION 6. [EFFECTIVE JULY 1, 2003] (a) A regional planning  
 42 commission under IC 36-7-7 that includes a county described in



1 IC 36-7-7.6-1, as added by this act, becomes on July 1, 2003, the  
2 northwestern Indiana regional planning commission, subject to  
3 IC 36-7-7.6, as added by this act.

4 (b) A municipality or county required to make an appointment  
5 to the northwestern Indiana regional planning commission under  
6 IC 36-7-7.6-4, as added by this act, shall make the appointment  
7 before July 15, 2003.

8 (c) On July 1, 2003, all property of the regional planning  
9 commission described in subsection (a) becomes the property of the  
10 northwestern Indiana regional planning commission, subject to  
11 IC 36-7-7.6, as added by this act.

12 (d) This SECTION expires January 1, 2004.

C  
o  
p  
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1010, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1010 as introduced.)

KROMKOWSKI, Chair

Committee Vote: yeas 11, nays 2.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1010, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, between lines 24 and 25, begin a new paragraph and insert:

**"(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter."**

Page 9, line 21, delete "members" and insert **"members,"**.

Page 9, line 22, delete "simple majority vote" and insert **"the affirmative votes of a majority of the members serving on the commission,"**.

Page 9, delete lines 28 through 30.

Page 9, line 31, delete "(c)" and insert **"(b)"**.

Page 9, line 35, delete "(d)" and insert **"(c)"**.

Page 10, line 1, delete "(e)" and insert **"(d)"**.

Page 10, line 7, delete "(f)" and insert **"(e)"**.

Page 10, line 9, after "the" insert **"total number of members serving on the"**.

Page 13, delete lines 25 through 27.

Page 13, line 28, delete "18." and insert **"17."**

Page 13, delete lines 32 through 42.

Page 14, delete lines 1 through 3.

Page 14, line 4, delete "20." and insert **"18."**

Page 14, line 12, delete "budgets," and insert **"budgets."**

Page 14, delete lines 13 through 14.

Page 15, between lines 15 and 16, begin a new paragraph and insert:

**"Sec. 19. This chapter expires July 1, 2007."**

and when so amended that said bill do pass.

(Reference is to HB 1010 as printed February 27, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

C  
o  
p  
y

